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IN THE

Supreme Court of the United States

OCTOBER TERM, 1993

U.S. BANCORP MORTGAGE COMPANY,
Petitioner,

v.

BONNER MALL PARTNERSHIP,
Respondent.

On Writ Of Certiorari To The
United States Court Of Appeals
For The Ninth Circuit

BRIEF OF THE CALIFORNIA BANKERS ASSOCIATION |
THE NEW YORK STATE BANKERS ASSOCIATION AND
THE AMERICAN BANKERS ASSOCIATION
AS AMICI CURIAE
IN SUPPORT OF THE PETITIONER

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QUESTION PRESENTED

The California Bankers Association and the American Bankers Association will address the following question raised by the Ninth Circuit Court of Appeals decision in *Bonner Mall Partnership v. U.S. Bancorp Mortgage Co. (In re Bonner Mall Partnership)*, 2 F.3d 899 (CA9 1993): whether "fair and equitable," as used in 11 U.S.C. § 1129(b), incorporates a "new value" doctrine so as to permit confirmation of a plan of reorganization which provides that existing equity owners will contribute "new value" to the reorganization and will own equity in the reorganized debtor, notwithstanding the rejecting vote of a class of unsecured creditors whose claims are not to be paid in full.

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